

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	CRIMINAL NO. 04-10160-WGY
)	
GEORGE MONTILLA)	
also known as JOSE,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

YOUNG, D.J.

WHEREAS, on or about September 23, 2004, a federal grand jury sitting in the District of Massachusetts returned a One-Count Superseding Indictment charging defendant George Montilla, also known as Jose (the "Defendant"), with Conspiracy to Distribute, and to Possess with Intent to Distribute Cocaine, in violation of 21 U.S.C. §846 (Count One);

AND WHEREAS, the Superseding Indictment also included a Criminal Forfeiture allegation, pursuant to 21 U.S.C. §853, seeking forfeiture, as a result of committing the offense alleged in the Superseding Indictment, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense, and any and all property used, intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. Such property includes, but is not limited to, \$7,150 in United States currency seized from the Defendant on March 12, 2004, in that such sum represents drug

proceeds ("Defendant Property");

AND WHEREAS, the forfeiture allegation also provided that if the above-mentioned properties, as a result of any act or omission of the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be subdivided without difficulty, it was the intention of the United States, pursuant to Title 21 U.S.C. §853(p), to seek forfeiture of any other property of the Defendant up to the value of the property above;

AND WHEREAS, on or about June 1, 2005, a Change of Plea hearing was held whereby the Defendant pled guilty to Count One of the Superseding Indictment;

AND WHEREAS, on or about June 13, 2005, the government filed a Motion for Preliminary Order of Forfeiture and proposed Preliminary Order of Forfeiture seeking forfeiture of property including, but not limited, to the Defendant Property;

AND WHEREAS, on or about June 16, 2005, this Court issued a Preliminary Order of Forfeiture against the Defendant's interest in the Defendant Property;

AND WHEREAS, notice of the Preliminary Order of Forfeiture was given by publication in the Boston Herald on July 19, 2005, July 26, 2005 and August 2, 2005. In addition, notice of the

Preliminary Order of Forfeiture was served on the following people:

- a) George Montilla ID # 39647, Plymouth County Correctional Facility, 26 Long Pond Road, Plymouth, Massachusetts 02360 on July 15, 2005; and
- b) Ronald Ian Segal, Esquire, counsel for George Montilla, Segal & Judge, 23 Central Avenue, Suite 605, Lynn, Massachusetts 01901 on July 18, 2005.

AND WHEREAS, no petitions or claims of interest in the Defendant Properties having been filed with the time limitations set by 21 U.S.C. §853(n)(7);

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

The Preliminary Order of Forfeiture entered in the above-captioned action on June 16, 2005, is final, and all right, title and interest to the property described in the Preliminary Order of Forfeiture is hereby condemned, forfeited and vested in the United States, and shall be disposed of according to law.

William G. Young
Chief United States District Judge

Date: